

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:21-cr-491
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	
)	
PAUL SPIVAK)	
)	
and)	
)	
CHARLES SCOTT,)	
)	
Defendants.)	
)	

MINUTES AND ORDER

On August 13, 2024, the Court held the final pretrial by Zoom. Elliot Morrison, Megan Miller, and Stephanie Wojtasik appeared for the United States. David Axelrod and Lauren Engelmyer appeared for Paul Spivak (1); and David DeVillers appeared for Charles Scott (3). Paul Spivak and Charles Scott were also present, and both consented to conducting the final pretrial using remote technology.

Regarding Mr. Spivak's motion to dismiss (ECF No. 381), the Court **DIRECTED** the United States to provide supplemental documents for the Court's review *in camera*, specifically: (1) the transcript of Mr. Spivak's deposition for the Securities and Exchange Commission; (2) the relevant excerpts of the grand jury transcript; (3) a complete and text-searchable BIDMAS log; (4) the one potentially privileged document reviewed by Mr. Abreu, and (5) a statement—either from Mr. Abreu or the filter team—regarding what information Mr. Abreu received

following discussions with the filter team. The United States stated that it would provide the listed documents, as well as a few other relevant documents on a rolling basis as soon as possible, most by the end of the day.

The Court and counsel for all parties then discussed logistics for voir dire and trial, and the parties made a record about their plea discussions.

Mr. Morrison represented that the parties are currently working on stipulations and intend to provide them to the Court shortly. The Court addressed some concerns raised by defense counsel pertaining to *Jencks* and *Brady* material. Mr. Axelrod represented that he received *Brady* material over the weekend and requested permission to file a motion to suppress and a motion for an evidentiary hearing. The Court took that matter under advisement. Regarding *Jencks*, the Court ordered the United States to provide those materials for at least the first week's witnesses by midnight tonight (August 13, 2024).

Additionally, the Court stated on the record its position regarding various evidentiary issues raised by the parties, either at the final pretrial or through the parties' motions or trial briefs. Regarding Mr. Scott's recently filed motion to preclude evidence, the Court asked the United States to speak to the issue and directed it to file a one-page response regarding Mr. Abreu's prior representation to Mr. Scott's counsel regarding the legal argument and evidence at issue as soon as possible.

SO ORDERED.

Dated: August 13, 2024



J. Philip Calabrese
United States District Judge
Northern District of Ohio